

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA) Criminal No.
)
)
v.) **Indictment**
)
ILIE SITARIU and) Violations: 18 U.S.C. § 371
[REDACTED]) [Conspiracy]
) 18 U.S.C. § 1029(a)(3)
) [Access Device Fraud]
) 18 U.S.C. § 1029(a)(4)
) [Access Device Fraud]
) 18 U.S.C. § 1028A
) [Aggravated Identity Theft]
)
)
) 5 Counts and Forfeiture Allegation
)
Defendants.) Counties of Offense: Albany and Columbia

THE GRAND JURY CHARGES:

COUNT 1
[Conspiracy]

1. From on or about August 30, 2015, through on or about October 24, 2015, in Albany and Columbia Counties in the Northern District of New York, and elsewhere, the defendants, **ILIE SITARIU** and [REDACTED], and others conspired to commit offenses against the United States, that is:

a. **Bank fraud**, by knowingly and unlawfully executing and attempting to execute a scheme and artifice to defraud a financial institution and obtain money, funds, and property owned by and under the custody and control of financial institutions, by means of materially false and fraudulent pretenses and promises in violation of Title 18, United States Code, Section 1344;

- b. **Access device fraud**, by knowingly and with intent to defraud using one or more counterfeit access devices where such use affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(1);
- c. **Access device fraud**, by knowingly and with the intent to defraud possessing fifteen or more access devices which were counterfeit and unauthorized access devices where such use affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(3);
- d. **Access device fraud**, by knowingly and with the intent to defraud producing, trafficking, having custody and control of, and possessing device-making equipment where such use affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(4); and
- e. **Aggravated identity theft**, by during and in relation to felony violations contained in Chapters 47 and 63 of Title 18 of the United States Code, that is violations of Sections 1029(a)(1), (a)(3), and (a)(4), access device fraud, and 1344, bank fraud, knowingly possessing and using without lawful authority, a means of identification of another person in violation of Title 18, United States Code, Section 1028A(a)(1).

Purpose

2. The purpose of the conspiracy was for defendants **ILIE SITARIU** and [REDACTED] to enrich themselves by installing “skimming devices” and “pinhole cameras” on automated teller machines (“ATMs”) to steal information as the financial institution’s customers used the ATMs, including the information encoded on the magnetic strips of bank debit cards and the personal identification numbers, and then using that information to steal money from the accounts owned by those customers.

The Scheme to Defraud

3. From on or about August 30, 2015, through on or about October 24, 2015, in the Northern District of New York and elsewhere, the defendants **ILIE SITARIU** and [REDACTED] [REDACTED], executed a scheme to defraud financial institutions and obtain money, funds, and property owned by and under the custody and control of financial institutions by means of materially false and fraudulent pretenses and promises, that is, **ILIE SITARIU** and [REDACTED] [REDACTED] stole information necessary to steal money from accounts maintained by individuals at First Niagara Bank, TrustCo Bank, and Berkshire Bank by secretly installing skimming devices on ATMs which captured information encoded on the magnetic strips of bank debit cards as the financial institution's customers used the ATMs, and pinhole cameras which allowed the defendants to record the personal identification numbers used by the customers at the ATMs, and the defendants then used that information to steal money from the accounts owned by those customers.

Manner and Means

4. It was a manner and means of the conspiracy that the defendants **ILIE SITARIU** and [REDACTED] secretly installed the skimming devices and pinhole cameras at ATMs owned by financial institutions and, after customers used the ATMs, returned to retrieve those devices and cameras.

5. It was a manner and means of the conspiracy that the defendants **ILIE SITARIU** and [REDACTED] and other conspirators obtained account information and personal identification numbers from the skimming devices and the pinhole cameras, used the stolen information captured by the skimming devices to create fraudulent debit cards, and then used the

fraudulent debit cards and stolen personal identification numbers to steal money from the accounts of the customers who had used the ATMs.

Overt Acts

6. In furtherance of the conspiracy and to effect the objects of the conspiracy, the defendants **ILIE SITARIU** and [REDACTED], and other conspirators, committed and caused to be committed the following overt acts, among others, in the Northern District of New York, and elsewhere:

- a. On or about August 30 and September 1, 2015, **ILIE SITARIU** inspected the ATM located at a First Niagara Bank branch in Hudson, New York.
- b. On or about September 4, 2015, **ILIE SITARIU** installed a skimming device and a pinhole camera on an ATM at a First Niagara Bank branch in Hudson, New York.
- c. On or about September 12, 2015, **ILIE SITARIU** installed a skimming device and a pinhole camera on an ATM at a Berkshire Bank branch in Great Barrington, Massachusetts.
- d. On or about September 13, 2015, **ILIE SITARIU** removed a skimming device and a pinhole camera from an ATM at a Berkshire Bank branch in Great Barrington, Massachusetts.
- e. On or about September 14, 2015, **ILIE SITARIU** and [REDACTED] [REDACTED] stole approximately \$44,528 from Berkshire Bank customers who had used the ATM at the Great Barrington, Massachusetts branch by making and attempting to make unauthorized withdrawals at Citibank branches in Queens, New York, including an individual with the initials D.S. who had a debit card number ending in 4458.

f. On or about September 19, 2015, **ILIE SITARIU** installed a skimming device and a pinhole camera on an ATM at a First Niagara Bank branch in Chatham, New York.

g. On or about September 20, 2015, **ILIE SITARIU** removed a skimming device and a pinhole camera from an ATM at a First Niagara Bank branch in Chatham, New York.

h. On or about September 23, 2015, **ILIE SITARIU** and [REDACTED] [REDACTED] stole approximately \$59,798 from First Niagara Bank customers who had used the ATM at the Chatham, New York branch by making and attempting to make unauthorized withdrawals at Citibank branches in Queens and Manhattan, New York, including an individual with the initials J.B. who had a debit card number ending in 7715.

i. On or about September 26, 2015, [REDACTED] installed a skimming device and a pinhole camera on an ATM at a First Niagara Bank branch in Valatie, New York.

j. On or about October 10, 2015, **ILIE SITARIU** installed a skimming device and a pinhole camera on an ATM at a TrustCo Bank branch in Delmar, New York.

k. On or about October 11, 2015, **ILIE SITARIU** removed a skimming device and a pinhole camera from an ATM at a TrustCo Bank branch in Delmar, New York.

l. On or about October 17, 18 and 19, 2015, members of the conspiracy stole approximately \$23,063 from TrustCo Bank customers who had used the ATM at the Delmar, New York branch by making and attempting to make unauthorized withdrawals at a Citibank branch in Queens, New York.

m. On or about October 24, 2015, **ILIE SITARIU** installed a skimming device and a pinhole camera on an ATM at a Berkshire Bank branch in New Lebanon, New York.

n. On or about October 24, 2015, **ILIE SITARIU** possessed skimming devices and pinhole cameras, as well as the tools for installing such devices.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2-3
[Access Device Fraud]

7. The allegations contained in paragraphs 1 – 6 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

8. On or about the following dates, in Albany and Columbia counties, in the Northern District of New York, defendant **ILIE SITARIU**, knowingly and with intent to defraud possessed fifteen or more devices which were counterfeit and unauthorized access devices, where such possession affected interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(3) and (c)(1)(A)(i).

<u>Count</u>	<u>Date</u>
2	September 20, 2015
3	October 11, 2015

COUNT 4
[Access Device Fraud]

9. The allegations contained in paragraphs 1 – 6 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

10. On or about October 24, 2015, in Columbia County in the Northern District of New York, defendant **ILIE SITARIU**, knowingly and with intent to defraud had control and custody of and possessed device-making equipment, where such possession affected interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(4) and (c)(1)(A)(ii).

COUNT 5
[Aggravated Identity Theft]

11. The allegations contained in paragraphs 1 – 6 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

12. On or about September 20, 2015, in Columbia County in the Northern District of New York, defendant **ILIE SITARIU**, during and in relation to felony violations contained in Chapters 47 and 63 of Title 18 of the United States Code, that is violations of Title 18, United States Code, Sections 1029(a)(1), (a)(3), and (a)(4), access device fraud, and 1344, bank fraud, knowingly possessed and used, without lawful authority, a means of identification of another person, that is a debit card number ending in 7715 belonging to a person with the initials J.B., in violation of Title 18, United States Code, Section 1028A(a)(1) and (c)(4).

FORFEITURE ALLEGATION

The allegations contained in Counts One through Five of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B) and 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c).

Pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B) and 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Sections 1029(a), including conspiracy, and 1344, the defendants, **ILIE SITARIU** and [REDACTED], shall forfeit to the United States of America any property constituting or derived from proceeds obtained, directly or indirectly, as a result of such violations, or any personal property used or intended to be used to commit such violations.

The property to be forfeited includes, but is not limited to, the following:

- a. A money judgment in an amount no less than \$127,389;
- b. \$220.00 in U.S. currency;
- b. Skimming devices;
- c. Pinhole cameras; and
- d. Skimming device and hidden camera installation tools (including, but not limited to, putty knives and applicators, play-doh, picks, and double-sided tape).

If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 981(a), 982(b)(1) and 1029(c)(2), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

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All pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B) and 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c).

Dated: SEP. 8, 2016

A TRUE BILL, ***REDACTED***

[REDACTED]

Grand Jury Foreperson

RICHARD S. HARTUNIAN
United States Attorney

By:

Emmet O'Hanlon
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